
(2013) 04 JH CK 0060

In the Jharkhand High Court

Case No : Writ Petition (S) No. 1177 of 2012

Dr. Ratnesh Kumar

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 10-04-2013

Acts Referred:

Citation : (2013) 2 AJR 644

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Advocate : Prakash Chandra, for the Appellant;

Judgement

Narendra Nath Tiwari, J.—I.A. No. 1849 of 2013 has been placed today under the heading "For Orders". Learned counsel for the parties submitted that in view of development of the case, the writ petition itself can be disposed of at this stage.

2. In the writ petition, the petitioner has prayed for a direction on the respondents to regularise the services of the petitioner for the period from 27th November, 2006 to 7th October, 2007 and to make payment of arrears of salary for the aforesaid period along with consequential benefits.

3. It has been submitted that by notification, contained in Memo No. 1125(5) dated 11th November, 2006, petitioner's service was allocated from the Health Department, Government of Bihar to the Health Department, Government of Jharkhand. In compliance of the said order, the petitioner had submitted his joining before the Health Department, Government of Jharkhand on 27th November, 2006 and requested for posting. The order of posting was issued by the Department and the petitioner in compliance thereof submitted his joining before the respondent No. 4 on 18th December, 2006, but no formal order of acceptance of joining was issued by the Respondent No. 4. Ultimately, petitioner's joining was accepted with effect from 7th October, 2007. The respondents did not pay salary of the said period to the petitioner. The petitioner made repeated representations, but no order has been passed. Thereafter, the

petitioner filed this writ petition.

4. A counter-affidavit has been filed on behalf of respondent Nos. 1 to 4. It has been stated, inter alia, that for regularisation of the period exceeding 180 days, the Finance Department is the competent authority in accordance with the Government Circular. As such, a proposal was sent to the Finance Department for its approval. Some queries were raised by the Finance Department, which were clarified by the Civil Surgeon-cum-Chief Medical Officer, Garhwa, and the proposal was again forwarded to the Finance Department, where the matter is pending. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this writ petition as well as I.A. No. 1849 of 2013 are disposed of, giving liberty to the petitioner to file a fresh representation, stating therein all the relevant facts including pendency of the matter before the Department, before the Principal Secretary, Finance Department, Government of Jharkhand. On receipt of representation, the said authority shall consider the same and pass appropriate order, in accordance with law, within six weeks from the date of receipt of the representation.